

The Indian State and Human Rights in North East India

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Over the years, North East India has been a theatre ground of persisting incongruence between the overarching grid of 'sovereign' power and militant predispositions of numerous insurgent groups harping on half-hearted transformative programmes of the post-colonial State. Evidently, the consolidation of the nation state took place unhindered drawing the motive force and the propelling power from the dictum that 'State is founded and run on the principle of allegiance'¹ In fact, law enforcing power of the State sanctified in no uncertain term the continuing onslaught on human rights. Inevitably, the result was a questioning of legitimacy of the State which incidentally ignited a discourse on what constituted a political community so much so that even terrorism was seen to be advocated as a legitimate tactic in defence of national identity. As a result, what was pronounced across the board was nothing but a game for political space which also brought to the fore the uneasy balance between national security and human rights.

In the process, the Indian State triggered intolerance, repression and denial of democratic rights hastening a situation which could be appropriately described as 'political deafness of the State'² It was indeed typical of a situation in which 'rule of law' coexisted with the 'reign of terror'.³ Indeed, "the bogey of 'secessionism', 'destabilization', 'threat to unity and integrity of India', etc. is invoked by the state to divert people away from their own concerns and mobilize them behind ruling class politics in the name of defending 'the nation' or maintaining 'nation unity'.⁴ The repressive State apparatuses in turn promoted alienation of the people of North

East India from the system and from the 'mythical' mainstream. As in the rest of India, in north East India as well the contour of autonomy movements and clamour for secession, more as a strategy of attracting attention than anything else was least understood in the correct perspective of clash of ideas and civilizations. Admittedly, "the major areas of people's concern are the control of land and resources, the process and impact of development, social and human rights, and the interrelated questions of identity and culture".⁵ The Indian State came to be known more by its repressive machinery than by its commitment to democratic rights. It would not be out of place to recall the assessment made in early nineties that "this State apparatus ideologically refurbished and materially augmented, and rationalized as 'a bulwark against terrorism' is now available for use against not just the 'terrorists' but others also, struggling for their interests and for a more just and equitable social existence"⁶. The State thus became the single largest perpetrator of violence on the people, be it in the North East or elsewhere.

For more than four decades since 1947 the might and coercive power of the Indian State was on display in various parts of North East India in combating insurgency and militancy which had unleashed forces of political destabilization from time to time through secessionist and autonomy movements endangering in particular 'internal security' of the State. In defence of the law and the Constitution, the State legalized acts which constituted violations of human rights particularly those relating to civil and political category, in as much as the use of force was sought to be justified as nothing but the corollary of the legitimate exercise of institutionalised power. What was indeed clearly evident was the repressive measures let loose both under the normal law of the land as well as under Armed Forces Special Powers Act which involved arrest and detention of political dissentients, denial of the right of life, launching of combing operations involving civilian population and even disrupting people's sources of livelihood.

The State projected the moral justification of its action against the insurgents and their support base viewing them as having forfeited their rights for their failure to owe and acknowledge

allegiance to the State which claimed superiority in the society by virtue of its monopoly in exercising power and also in upholding territorial integrity and sovereignty. Under the circumstances, human rights could justifiably be violated, as rights were strictly viewed as constitutive of membership of the larger political community. The underlying assumption was that irreversible allegiance of the people alone determined the shape of the state and sacrosanctity of its boundary.

Against this background any review of the insurgent activities in the North Eastern region would clearly reveal the legitimacy of the military response of the State against violence and crime in the name of independence, self-determination and ethno-nationalism. The dominant approach obviously was disinclination of the State to treat insurgents as anything but criminals and wagers of war against the State as distinct from ordinary criminals. One may not dispute the fact that the liberal state is an association for maintenance of order and security essential to social life by enforcing ordinary law of the land. What is however inexplicable is the phenomenon of State-terrorism which legitimizes military crackdown entailing sufferings of civilian population and denial of human rights.

In the context of the region, the same State in the very recent past did not remain oblivious to the pressure of local public opinion and compulsions of democratic governance. It was therefore not surprising that resilience of the Indian Constitution was invoked for ensuring a political solution by making insurgent leadership legitimate participants in negotiation. Such bending of the State from its pedestal of invincibility and acknowledgement of concessions ranging from reorganization of state boundaries to facilitating the entry of once 'perpetrators of violence against state' to the corridors of power, albeit without having to undergo the electoral process (the pride of Indian democracy), amounted to a situation which could appropriately be termed as constitutional *coup d'état*. The politics of accord in the region provides interesting insights to such developments. It also followed that conditions which prompted violations of human rights now stood transformed for the better.

Such expressive acts of the State were apparently meant for containing the challenges to state power and rendering them as harmless as possible. In the process the acts primarily directed against the state were treated differently from the ordinary acts of violence and condoned through grant of amnesty. For the rank and file of the insurgent groups, employment guarantee and rehabilitation package were offered as compensation for their reiteration of allegiance.

Significantly, the recent granting of unfettered freedom of movement and freedom of speech to recognized insurgent leaders, which only followed the acceptance of the mechanisms of cease-fire, unconditional talks and informal summits at foreign capitals indicate the fact that military response to insurgency is not the State option any more. Acceptance of this stand does not however mean weakening of the State. One should not also jump to quick conclusion at the retreat of the State in Manipur in the recent show of hostility from various organizations including insurgent groups claiming to be representatives of the civil society in vindication of human rights. The Indian State only seeks to emerge as benevolent” in the face of its domestic and global obligations. On the other hand, the adoption of utilitarian criteria in the granting of concessions seems to have created a feeling of complacency in the region which being the recipient of special economic packages and non-lapsable fund on mere political criteria has failed to show up any visible signs of development worth the name.

REFERENCES

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